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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 55th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 4 March 1993, at 7 p.m.

Chairman: Mr. GARRETON (Chile)

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The meeting was called to order at 7.25 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(agenda item 12) (continued) (E/CN.4/1993/7-E/CN.4/Sub.2/1992/55, E/CN.4/1993/36-40, E/CN.4/1993/41 and Add.1, E/CN.4/1993/42-49, E/CN.4/1993/75, 76, 79, 82, 86, 95, 99, 102 and 105; E/CN.4/1993/NGO/6, 8, 12, 16, 23, 26-28, 31 and 38)

1. Mr. PORTALES (Chile) said that there would always be discussions as to why there were so many omissions in respect of the selection of cases by the Commission under agenda item 12; however, international public opinion was in no doubt as to the relevance of the cases considered over the years and the positive practical repercussion of the Commission's concern on the life of the people of the countries that came under scrutiny.

2. His delegation wished to draw attention to the growing tendency of some Governments and even of some human rights specialists and organizations to consider that it was not only States or their agents, but also groups or private individuals which could observe or violate human rights. It might be noted that such a distortion of the traditional concept of the observance or violation of human rights tended to equate the term "crime" with that of "human rights violation".

3. For centuries, the essence of the concept of the observance or violation of human rights had been the guarantee of their protection by society, the adoption of laws and policies designed to promote their enjoyment and the determination shown by the authorities in punishing crimes affecting the enjoyment of those rights. For example, the death of a detainee at the hands of a member of the police as a result of torture was a "crime" only if the State punished the perpetrator, but became a human rights violation if it was the State which ordered the act or if, out of negligence or complicity it failed to punish the police official in question. The State could therefore violate human rights by deliberate acts or omissions in its duty of restoring the rule of law vis-à-vis crimes by individuals or State agents. If the traditional concept was modified and the acts by private individuals came to be considered as human rights violations, it would lead to the absurd conclusion that human rights violations existed in every society in the form of murders, theft or physical attacks.

4. The case of the crimes of terrorists, drug traffickers or xenophobic groups was quite different; they were challenges of such a magnitude that it became increasingly difficult to respect human rights. In that case, the State might find itself unable to guarantee respect for basic human rights or fall into the temptation of carrying out repressive acts which violated them. The inclusion among the agents of human rights violations of private groups other than the State would have devastating consequences on the international system for the protection of such rights, first, because it would dilute the responsibilities of the State. Human rights violations in a specific society

were not the exclusive product of State action or omission but also the outcome of actions and omissions of the individuals and groups making up society. The State would therefore only be one among many agents liable to commit human rights violations. As a result, the Commission's special rapporteurs and the working groups would be obliged, in all fairness, to give the same status to terrorists, drug traffickers, xenophobes or the Governments of countries. They would also have to interfere in the internal legal affairs of the countries in question in investigating the "human rights violations" committed by subversive or criminal groups or individuals. It was true that in situations of civil war, rebel factions were responsible for the respect for human rights in the area in which they controlled, where they were, in effect, the political authority.

5. If the theory that human rights could be violated by both States and individuals were accepted, it would mean that the Commission on Human Rights would seriously have to consider the possibility of including in agenda item 12 any country where there were organized groups engaged in large-scale violent activities, even though the State was taking all possible steps to prevent and punish their actions.

6. The Commission was thus faced with a distortion which went beyond the academic sphere and undermined international action to protect human rights. His delegation therefore urged Governments and non-governmental organizations to be extremely responsible in that respect so as not adversely and irreversibly to affect the laborious progress achieved by the United Nations in the international protection of human rights.

7. Mr. PEREZ NOVOA (Cuba) said that the subject-matter of the Commission's agenda item 12, "Question of the violation of human rights and fundamental freedoms in any part of the world ...", was less and less frequently reflected in the resolutions it adopted under that item. It would be more candid and realistic to speak of violations, real or alleged, in certain selected parts of the world. The Commission apparently no longer had any mandate to deal with situations in the countries of the North, and the end-product of its debates never reflected the innumerable cases of massive and flagrant violations of human rights that continued to take place in the developed countries.

8. Consequently, agenda item 12 was rapidly losing credibility. The Commission had yet to take any decision expressing its condemnation of the repression of students in the developed countries who demonstrated at the shortage and high cost of study facilities, of workers protesting at being deprived of the right to work, of those attempting to halt racist and xenophobic violence, or of farmers, environmentalists, teachers, health workers, and refugees demanding their rights. Nor did the end-product of the debates under agenda item 12 contain any hint of reproach concerning the massive and flagrant violations of the rights and freedoms of many peoples facing brutal repression in their struggle for survival. Northern Ireland offered a classic example in that regard.

9. At the same time, determined efforts were being made in some quarters to prevent situations such as those in Guatemala and El Salvador from being considered under agenda item 12, and to persuade the Commission that "advisory

services and technical assistance" were sufficient to induce certain military and paramilitary sectors in those countries to abandon their inhuman behaviour. His own delegation's view was that it was necessary to continue to consider the situations in El Salvador and Guatemala under that item. In the case of El Salvador, there had undoubtedly been some progress, not only in the human rights sphere, but also, more important still, with regard to achieving a negotiated solution to the country's wider political problems. The process of negotiation and implementation of the Peace Agreements must not be hindered by the sending of misleading signals by the Commission. That did not mean, however, that his delegation supposed that serious violations of human rights had ceased in El Salvador.

10. As for Guatemala, the report by the independent Expert contained abundant evidence to justify his delegation's great concern at the situation of human rights in that country, particularly in the light of the latest problems regarding the signing of the global agreement on human rights. The Cuban delegation considered that both cases, and also the case of Haiti, merited specific action on the part of the Commission. It would thus support any draft resolution intended to achieve progress regarding human rights in those three countries.

11. Nowhere were the Commission's failings more apparent than in its inertia concerning the United States of America, a country with a deplorable record of violations of the human rights of vast sections of its own population, which none the less shamelessly proclaimed itself the champion of human rights in other countries. Executions of minors and mentally handicapped persons, the wretched condition of around 35 million people living below the official poverty line, the erosion of procedural guarantees in the wake of the Supreme Court's Miranda ruling, the infant mortality rate in the nation's capital, higher than that in some third world countries, the handing over of indigenous peoples' sacred lands in California to private timber companies for commercial exploitation, the escalation in the prison population, the psychological torment inflicted on those kept for years on death row, violent treatment of detainees by the police, rampant discrimination against women, the increase in child prostitution and use of minors in pornography, inadequate levels of medical aid and social security were documented facts repeatedly denounced to the Commission by credible non-governmental organizations. The events sparked in Los Angeles by the beating-up of Afro-Americans by police once again demonstrated, not only the general deterioration of the quality of life in the United States of America, but also the rampant racism targeted on a substantial sector of the population.

12. However, the United States of America also systematically violated the human rights and fundamental freedoms of other peoples. It subjected Puerto Rico to a colonial regime. It had murdered defenceless civilians in Panama during the invasion two years earlier, and had failed even to make good the material damage caused by its military action. Its occupying troops in Somalia arbitrarily arrested Somali citizens or killed those protesting at its ostensibly "humanitarian" intervention. Less recent history could provide many further examples.

13. With regard to its domestic record on human rights, in the absence of sufficient will on the part of the Commission to condemn those violations,

the United States of America might usefully follow the example set by Cuba, by inviting the Commission to appoint a mission to assess the situation on site.

14. The time had come to strip away the myths surrounding the system of so-called "free" elections in the United States of America, a system which it sought to impose upon all other nations. At the most recent elections in Cuba, held on 24 February 1993, there had been a turnout of 99.62 per cent. Cuba's electors had gone to the polls in the full awareness that their participation in the elections would be a reaffirmation of their confidence in the revolution. Candidates in the Cuban elections, unlike those in the United States of America, were selected in a process of genuine participation by the people (at constituency level for elections to the Municipal Assemblies) or of democratic selection (in the cases of delegates to the Provincial Assemblies and members of the National Assembly) by representatives of the urban and rural workers, women and students in secondary and university education, in which the decisive criterion was service to the country. In Cuba, unlike the United States of America, where wealth was nearly always the determining factor in a candidate's success, electoral campaigns took place on a basis of equality. During the 1988 elections, according to figures published in USA Today, the 33 elected Senators had each spent an average of $3 million on their campaign. In that incongruous system, an independent presidential candidate had had to spend almost $60 million on publicity, after which, having millions of popular votes in the election, he had not obtained a single vote in the electoral college. Needless to say, none of the thirty-five million United States citizens living below the official poverty line stood any chance whatever of being elected.

15. Under agenda item 12, the Commission studied the annual report of the Special Rapporteur on extrajudicial, summary or arbitrary executions. If members were to peruse that report, contained in document E/CN.4/1993/46, and especially its paragraphs 218, 223, 228 and 229, they would note the Special Rapporteur's words of praise for the Cuban Government's cooperation in a procedure which was applicable to all member States. If they read further, they would note that the United States Government had failed to reply to 10 urgent appeals sent by the Special Rapporteur, or to requests for information regarding other cases (para. 635).

16. The Commission had before it an exemplary case from which to embark on the necessary process of rectifying its selective approach to agenda item 12. Why had no mention been made of the lack of cooperation by the United States of America with that other rapporteur? Could it be that some member States were more equal than others?

17. Mr. VIGNY (Observer for Switzerland) reviewed the situation of human rights in various countries, as reflected in reports submitted to the Commission under agenda item 12.

18. His country endorsed the Secretary-General's views concerning Cyprus, and hoped that the entire population of the island would see their rights fully restored within the framework of a just and equitable solution.

19. Switzerland noted that the Government of Israel had not responded to the request to provide information concerning the extent of the implementation of

Commission resolution 1992/70 relating to the situation of human rights in southern Lebanon.

20. His delegation endorsed the conclusions and recommendations submitted by the Special Representative concerning the human rights situation in the Islamic Republic of Iran, and hoped that he would be able to return to that country to follow developments at the grassroots level. Noting with particular regret the treatment inflicted on certain groups, and notably the Baha'is, because of their religious beliefs, and the death threats pronounced on several occasions with regard to Salman Rushdie, whose writings had offended the followers of Islam, his delegation urged the Iranian authorities to align their legislation and practices with the universally accepted norms for the protection of human rights.

21. He noted the exceptional gravity of the situation in Iraq, and called particular attention to the harsh repression of opposition of any kind, including actions against the Kurds in the north of the country and the Shia community in the south. Switzerland endorsed all the recommendations by the Special Rapporteur, especially that concerning the sending of human rights monitors to examine and perhaps help to improve the situation on the spot.

22. Any improvement in the human rights situation in Afghanistan would depend on political stabilization based on democratic power-sharing between the different political and ethnic factions in an efficient central Government, which should implement all the recommendations of the Special Rapporteur.

23. The year 1992 had seen a further deterioration in the human rights situation in Myanmar. Any improvement there would depend first and foremost on the lifting of the state of emergency and an end to martial law, which were the root causes of the severe repression in the country.

24. Although it contained no conclusions or recommendations, the report on East Timor gave a good account of the prevailing situation, which had also been investigated by Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the question of summary executions and the Special Rapporteur on the question of torture. Their findings, as well as information emanating from non-governmental sources, should enable the Commission to pursue its action to secure greater respect for human rights in the territory illegally occupied by Indonesia.

25. Turning to countries in Latin America, he first voiced Switzerland's keen hope that Cuba would authorize a visit by the Special Representative, and its endorsement of the conclusions and recommendations by the latter. He further considered it pertinent to mention, firstly, that fundamental human rights, even if they had a political content, were universally acknowledged as a minimum standard to be observed in all countries, irrespective of their social or ideological realities; and secondly, that a policy based on economic sanctions was not necessarily one that would enable the international community to obtain the desired improvement of the human rights situation in Cuba and a progressive and peaceful transition to a pluralistic and civil society.

26. His delegation considered that the reports on the human rights situation in Guatemala and in El Salvador should have been taken up by the Commission under item 12, rather than item 21 (Advisory services). If a measure of progress had been achieved in both of those countries, there remained considerable cause for concern, and it was by no means certain that the improvements would be durable.

27. The conclusions and recommendations by the Special Rapporteur on the situation in Haiti, where generalized violence as well as the violation of specific human rights had also increased in 1992, were most pertinent; the only hope for improvement lay in a return to democracy. The same observation could be made, mutatis mutandis, with regard to Equatorial Guinea, where announced reforms were little more than cosmetic and had little impact on the severity of persistent repression.

28. The dramatic situation of human rights in the territory of the former Yugoslavia had already been debated at length by the Commission. Happily, the state of affairs in Romania and Albania, both of which could certainly benefit from advisory services, was more hopeful. If certain reservations were in order, notably with regard to the severe penalties imposed in Romania on persons illegally crossing the country's borders, as well as alleged ill-treatment in places of detention and discrimination with regard to gypsies and members of the Hungarian community, it must be acknowledged that many European countries, including Switzerland, as well as other parts of the world were witnessing a disquieting upsurge of intolerance, racism and extremism, which threatened the foundations of society and should be checked by Governments and citizens wherever and whenever they occurred.

29. Switzerland was concerned that the credibility of the Commission was being undermined by the selectivity that could be discerned in its application of different sets of criteria to similar situations. If remedial measures might be expected with the adoption of a number of resolutions soon to be tabled, relating in particular to the human rights situation in Zaire, Sudan, Somalia, Togo and China, it must be pointed out with deep regret that many countries, in all the continents, where there were serious and daily violations of human rights continued to escape public scrutiny by the Commission.

30. Lastly, he expressed his delegation's appreciation to the Special Rapporteur on extrajudicial, summary or arbitrary executions for his courageous and rigorous report, which - unfortunately - could not be addressed in detail for lack of time.

31. Mr. MOKHTARZADA (Observer for Afghanistan) commended the Special Rapporteur's, tireless efforts to promote human rights and fundamental freedoms in Afghanistan. It was a matter of regret that for reasons of security during January and early February 1993, the Special Rapporteur had not been able to visit Kabul to gather firsthand and authentic information on the current situation from the country's leaders, or to receive replies to his specific inquiries. Any account of the human rights situation in Afghanistan must bear in mind the systematic violations of the Universal Declaration of Human Rights, the two International Covenants and other relevant international instruments, over a period of 14 years, by the invading troops of the former

Soviet Union and the regime it had installed. Upon the collapse of that regime and with the victory of the national struggle and Islamic Jehad, the Government had inherited a ruined country in which millions of families had been uprooted, over a million citizens had died and another two million had been disabled. A disrupted social fabric, destroyed infrastructure, defective judicial and educational systems and a disintegrated economy were the legacy of those 14 years, during which the harmony which had previously existed between various ethnic, racial, cultural and linguistic groups had been disrupted. That was the perspective in which the Special Rapporteur's reference to an unconfirmed allegation regarding the treatment of ethnic and religious minorities should be considered. He wished to assure the Commission that in the Islamic State of Afghanistan, all ethnic groups enjoyed political, economic, social and cultural rights, and the Government took all necessary steps to protect its minorities.

32. Nor was the Special Rapporteur's reference to a continuing armed power struggle an altogether accurate reflection of the political reality in the country. It should be acknowledged that the convening of the Grand Assembly (Shura Ahl-e Hal Wa Aqd) in a city subjected to a constant barrage of rockets compounded with harsh living and working conditions marked a spirited attempt on the part of a nation reaching out towards self-determination after a long period of persecution. In the Grand Assembly, representatives of ethnic and religious groups from all over the country had gathered together to take important decisions about the country's destiny. Naturally, that first attempt towards democratization had not been an easy task, but the efforts should be considered a step in the right direction. It was the sincere desire of the Afghan people to eschew provocation on spurious racial, ethnic, tribal or linguistic grounds, and to resolve and settle their differences through political means in accordance with their age-old tradition of negotiation and compromise.

33. The Government of the Islamic State of Afghanistan was committed to adhere to and respect international human rights instruments to which it was a party on the basis of the Islamic code of religious law (Shariah), which enshrined democratic philosophy and humanitarian policies. A demonstration of that commitment had been the participation of the delegation of Afghanistan in the work of the Committee against Torture in November 1992. The Afghan Government firmly desired to cooperate with the Commission on Human Rights, and was ready to invite the Special Rapporteur to visit the country and gather firsthand and authentic information for the fulfilment of his mandate.

34. The preservation of peace lay at the core of any human rights policy as a prerequisite for the right to life and the respect of other human rights. Since peace and tranquillity in the war-torn country were the first essential and vital necessities, the Government of the Islamic State of Afghanistan was doing its utmost, in keeping with the ardent wishes of the people, to bring to a definite end the fratricidal war, in order to treat and heal its wounds and embark on the process of national rehabilitation and reconstruction.

35. Ms. SAV (Observer for Turkey), speaking on the Cyprus issue, said that the Greek Government and Greek Cypriots continued to make unfounded allegations that misinformed rather than informed the Commission, deliberately bypassing the core of the Cyprus problem. The genesis of that problem could

be traced back to the 1950s and the establishment by Greeks of the terrorist EOKA organization, which had vowed to eliminate the Turkish Cypriot people from the island. As far back as 1962, Archbishop Makarios, while President of a Republic that was a bi-communal partnership comprising the Turkish Cypriot and Greek Cypriot peoples, had publicly declared that the duty of EOKA was to expel the Turkish community. In modern-day parlance, that declaration would be described as racially motivated "ethnic cleansing". Subsequently, Turkish Cypriots had been driven out of 103 of their villages and forced to take refuge in enclaves comprising less than 4 per cent of the island's territory.

36. For 11 tragic years, from 1963 to 1974, the Turkish Cypriot people had suffered the most blatant violations of its most fundamental human rights, even the right to life itself. In July 1974 the Greek Cypriots had attempted to deal the final blow, by staging a bloody coup which would have meant the end of the Turkish Cypriots on the island. They had been saved by the timely intervention of Turkey under the 1960 Treaty of Guarantee, which had enabled conditions to be created that paved the way for negotiations to reach a new, just, secure and lasting agreement between the two peoples, restoring the equal partnership status of the Turkish Cypriots.

37. According to the memoirs of the newly elected Greek Cypriot leader, Mr. Glafcos Clerides, the Greek Cypriot objective had been a Greek Cypriot State with a protected Turkish Cypriot minority; whereas the Turkish Cypriots wished to maintain the partnership concept, which in their opinion had been created by the Zurich Agreements. The conflict was thus one of principle, and both sides were prepared to go on arguing, and, if need be, fighting, rather than compromise over that principle. What Mr. Clerides did not concede, however, was that the partnership was not just a concept, but a legal regality written into the 1960 Cyprus Agreements, which all parties, including the Greek Cypriots, had signed as a compromise to settle the Cyprus conflict once and for all.

38. Since 1974, peace had prevailed on the island, democracy based on the rule of law and observance of human rights existed in the Turkish Republic of Northern Cyprus, despite the imposition of an embargo; and the Greek Cypriots in the south had achieved economic prosperity. There was thus no question of violations of the human rights of Greek Cypriots. The human rights violations which had gone on since 1963, and which in 1974 had been metamorphosed into an embargo, were perpetrated by Greek Cypriots against Turkish Cypriots. The problem was the political problem, and the two peoples of Cyprus must be encouraged to continue the intercommunal dialogue, with a view to reaching freely a solution acceptable to both sides.

39. That political problem was currently being negotiated between the two sides under the good offices mission of the United Nations Secretary-General. The Secretary-General had chosen to build that negotiation process on a Set of Ideas that had been effectively tested at the recent Greek Cypriot Presidential elections.

40. The statements by the Greek and Greek Cypriot representatives concerning missing persons simply repeated their previous unfounded allegations. Proportionally, Turkish Cypriots had suffered far more than Greek Cypriots in that regard, and over a longer period of time. Discussing the issue in his

memoirs, Mr. Clerides conceded that both the Greek Cypriot and the Turkish Cypriot leaderships had been unable to prevent the extremist elements of their communities from killing persons in cold blood, and that those who had lost their lives had simply been listed as missing persons. Archbishop Makarios had himself conceded that the vast majority of Greek Cypriot missing persons had lost their lives during the events of 1974. The Committee on Missing Persons in Cyprus (CMP) set up in that connection with the technical participation of the International Committee of the Red Cross must be allowed to complete its work and report its findings. In point of fact, the joint press communiqués it had issued on 11 April 1990 and 10 April 1992, as well as the observations and recommendations on its work contained in the report of the Secretary-General to the Security Council dated 31 May 1992, negated the allegations repeated by the Greek Cypriot representative, who should be asked whether all the evidence his delegation claimed to hold had been submitted to the CMP.

41. The information and figures given by the Greek and Greek Cypriot delegates regarding foreign settlers in Cyprus had again been deliberately misleading. Some 18,000 foreign workers had been contracted by the Turkish Republic of Northern Cyprus, some of whom had indeed been naturalized. However, some 28,000 Lebanese and several thousand persons from Africa or from Greece, all of Greek origin, had also been admitted to southern Cyprus as settlers.

42. On the issue of the foreign military presence in Cyprus, Turkey was not the only country with a military presence on the island. As well as the Turkish contingent, the size of which had again been exaggerated by the Greek and Greek Cypriot delegates, there was a sizeable Greek military presence, and also some other foreign military bases.

43. As for the Council of Europe report on the demographic structure of Cyprus, prepared by Mr. Cucó, there had been absolutely no Turkish Cypriot input into that report, as Turkish Cypriot parliamentarians and independent German experts had been prevented from participating in its preparation. Turkish parliamentarians at the Parliamentary Assembly of the Council of Europe had protested that the text was one-sided and prejudiced.

44. In conclusion, she wished to refer to the question of Jammu and Kashmir. Her delegation believed that it would be possible to achieve a peaceful and equitable solution to the problems of that region within the framework of the relevant United Nations resolutions and the 1972 Simla Agreement.

45. Mr. SZELEI (Observer for Hungary) submitted that changed circumstances called for changed perceptions: the human rights reporting system of the United Nations could no longer function in isolation from the Organization's political machinery. Nor should it do so, not least because accumulated experience in both thematic and country reporting on human rights could be of use in the development of other United Nations activities, such as electoral assistance and peace-keeping, and because the quest for greater flexibility in reporting machinery and for enhanced human rights expertise was linked to efforts to improve the effectiveness of early warning, preventive diplomacy and resolute response to non-compliance. Against that general background, the Hungarian delegation wholeheartedly welcomed the recently-introduced practice

of involving the special rapporteurs in the crisis-prevention and crisis-management activities of the Security Council. At the same time, the Commission itself might also rely on the early warning input of regional organizations: for instance, information on the activities of the human rights rapporteur mechanisms and missions of the Conference on Security and Cooperation in Europe (CSCE), or of the CSCE High Commissioner on National Minorities.

46. Voicing overall appreciation of the work by the Special Rapporteurs and representatives of the Commission on Human Rights, he singled out a number of situations that were of special concern to his country, beginning with that in the former Yugoslavia, regarding which the Hungarian delegation had already expressed its deep alarm.

47. Brutal repression in Iraq, especially of the country's minorities, continued to command the attention of the international community, and the Government should be urged to honour its commitments under international human rights instruments.

48. In Romania, where positive changes of a mainly legislative nature left a lot to be desired in terms of actual implementation, the Government should be further encouraged to amend legislation on education; to put an end to selectivity in the administration of justice in favour of persons belonging to the majority population; to enforce existing laws on the prohibition of advocacy of discrimination and violence against the country's minorities; to lift the arbitrarily imposed decades-long restrictions on the use of the Hungarian language in public life; to rescind the decision by the former totalitarian regime to prohibit the reopening of the Bólyai University as a fully-fledged institution of Hungarian education; to ensure the meaningful participation of the elected representatives of the country's minorities in decisions on matters relating to their identity; and to put an end to discriminatory practices with regard to the restitution of church property. In a word, no self-congratulatory statement such as that recently made before the Commission by the representative of Romania could replace a genuine commitment to respect for human rights.

49. In Myanmar, despite a few gestures by the Government, the human rights situation remained serious, principally due to the refusal of the military authorities to transfer power to the legitimate, elected representatives of the people. Universal condemnation of the continued illegal detention of political opponents, including the Nobel Peace Prize Laureate, had rightly been given a new momentum; the "cleansing" of certain areas and the forcible resettlement of the country's minorities called for special attention in any appeal for the speedy restoration of all human rights and fundamental freedoms in Burma.

50. Alarmed at the magnitude of human rights abuses, including deliberate policies of ethnic discrimination, in many parts of eastern Europe and the Commonwealth of Independent States, Hungary urged that the rule of law and the institutional guarantees of democracy and the protection of minorities be strengthened, both in its immediate vicinity and in the Caucasus and Central Asia.

51. The human rights situation in Cuba was a matter of long-standing concern to the international community. Cuba's credibility as a member of the Commission was brought into question by its stubborn refusal to cooperate with the Commission's Special Rapporteur. Its attitude only amplified legitimate anxiety about the state of fundamental freedoms there. No special circumstances could justify mob violence or government-sponsored activity against individuals or human rights groups expressing their political opinions peacefully, in accordance with the Universal Declaration of Human Rights.

52. In conclusion, he reiterated his country's commitment to the international protection and promotion of human rights and fundamental freedoms and its determination to seek international cooperation in curbing violations and securing multilateral guarantees.

53. Ms. STRÖM (Observer for Sweden) said that she wished to comment on the reports on the human rights situation in individual countries, and also on the human rights situations in certain other countries. It was regrettable that when the Special Rapporteur on Myanmar had visited that country in December 1992, he had been denied full cooperation by the authorities, and had not been allowed to meet with political leaders, including Nobel Peace Prize Laureate Daw Aung San Suu Kyi; and that other persons wishing to contact him had been intimidated and threatened by the Myanmar authorities. The many reports of grave violations of basic human rights in Myanmar were deeply disturbing. Equally disturbing was the information on the use of forced labour by the military, and on the high number of persons killed while providing such labour. The exodus of ethnic and religious minority groups fleeing discriminatory and oppressive measures had created severe problems for neighbouring States. Tight restrictions on personal freedoms had not been relaxed. Her delegation was deeply concerned that the people of Myanmar was still not allowed to participate in the political process, and that its will, as expressed in the 1990 elections, continued to be ignored.

54. The situation in the Islamic Republic of Iran gave cause for continued serious concern. Judicial executions were carried out in contravention of the very restrictive terms of the International Covenant on Civil and Political Rights. There were numerous reports of systematic torture and cruel punishment, including such shocking measures as flogging and amputations. Ordinary-law and political trials continued to fall short of internationally accepted standards. Restrictions on freedom of expression and association, and discrimination on the grounds of religious belief, including persecution of the Baha'i community, remained unchanged. The illegal death sentence imposed on Mr. Salman Rushdie had recently been confirmed by Iranian leaders. That threat of assassination was of course a breach of the most basic principles of international law.

55. With regard to the situation in Iraq, her Government remained concerned at the continued gross violations of human rights. The Special Rapporteur drew attention to summary executions, torture, enforced disappearances, arbitrary arrest and detention as part of a systematic repression. There were alarming reports of large-scale violations affecting ethnic and religious groups, in particular the Shi'a religious community, and the Kurds. Sweden commended the Special Rapporteur for his work and fully supported his recommendations on steps to improve the human rights situation in Iraq.

56. In Afghanistan, human rights violations continued and the situation of the Tajik refugees gave cause for much alarm.

57. Her delegation was greatly concerned at the continued serious human rights situation in China. While it welcomed the recent release of two political prisoners, the Government's human rights practices remained repressive. No substantial improvements had occurred in the field of human rights since the Commission's previous session. The basic freedom of expression was still being severely restricted and the concept of "counter-revolutionary crimes" had not been abolished. A number of people remained in custody or were unaccounted for as a result of the 1989 events.

58. Her Government's concern included the human rights situation in Tibet where human rights violations had taken on a special dimension because of cultural and religious factors. The substantive autonomy of Tibet must be strengthened and the right of the Tibetan people to preserve its national identity respected.

59. The growing acceptance of the values of democracy and human rights on the African continent gave cause for hope of a better future. The Commission had an obligation to support and encourage those winds of change. However, commitment to high principles was, unfortunately, not always followed by practical implementation and observance of human rights norms in practice.

60. In the Sudan, the human rights situation continued to be grave. Flagrant violations of basic human rights committed by both parties to the conflict as well as deliberate actions to impede the delivery of humanitarian assistance to the civilian population had caused great suffering and an influx of refugees into neighbouring countries. Her delegation therefore strongly supported proposals to appoint a special rapporteur to monitor the situation of human rights in the Sudan.

61. The ongoing tragedy in Somalia and the outbreak of violence in Zaire were examples of serious human rights situations on the African continent. Her delegation had supported the resolutions on the human rights situation in those two countries, and hoped to see the implementation of the proposals set forth therein.

62. Over the years, the situation in Guatemala had caused serious concern. In his report (E/CN.4/1993/10), the independent Expert referred to a general climate of violence as one of the dominant features of Guatemala. Efforts by public authorities had not yet been able to stem effectively the wave of crimes against life and physical integrity of individuals from almost all social strata. Her delegation was deeply disturbed by the many allegations of the involvement of members of the armed forces, and hoped that further steps would be taken to investigate those allegations and bring those responsible to justice.

63. The familiar pattern of extrajudicial executions persisted, targeted against students and human rights activists. The situation regarding the indigenous populations had not improved and the necessary conditions were not in place for the safe return of the refugees.

64. Sweden deplored the failure of the Government of Cuba to cooperate with the Special Rapporteur and its refusal to allow him to visit the country. In his report, the Special Rapporteur described the continued systematic violations, including detention and arbitrary arrest and a deliberate policy of intimidating human rights activists and the harassment of members of religious groups. Basic rights such as freedom of opinion, assembly and association and freedom of movement were restricted. The conditions prevailing in prisons fell far short of the Standard Minimum Rules for the Treatment of Prisoners and other pertinent international instruments.

65. In Haiti, repression and systematic violations of human rights had become the order of the day since the overthrow of the lawfully elected president and his government. It was important for the Commission to pay close attention to developments in that country and her delegation welcomed the joint initiative of the Secretary-General of the United Nations and the Secretary-General of the OAS to send a human rights mission to Haiti.

66. The human rights situation in El Salvador had no doubt improved. However, the large number of summary and arbitrary executions and death threats continued to give cause for serious concern. Important progress had been made in the peace process but some aspects remained to be carried out by the parties.

67. Sweden welcomed developments in Romania and the measures taken by the Government, which had in many respects improved the human rights situation. With regard to the situation of the minorities, it hoped that the attention paid by the Government to the comments and observations of the Special Rapporteur would result in clear improvements.

68. According to the report on extrajudicial, summary or arbitrary executions (E/CN.4/1993/46), it seemed that 10 years after the creation of the mandate, the number of such executions had not declined but, on the contrary, had increased. Her delegation was particularly concerned at the high number of victims said to be under 18 years of age and of information regarding violations directed against participants in demonstrations. It requested the Special Rapporteur to pay special attention in his next report to those violations.

69. Ms. GRAF (International League for the Rights and Liberation of Peoples) said that the human rights situation in El Salvador had improved since the Commission's previous session in that the number of human rights violations had decreased. It was also important to welcome the progress made with respect to the peace agreements, despite some shortcomings. However, much remained to be done. The necessary structural changes had not been made to enable the peace to be consolidated and for a democracy that genuinely respected the state of law to be installed. The purging of the armed forces had not been completed and the Ad Hoc Commission's recommendations concerning the most important officials had not been implemented, despite the request made by the Secretary-General of the United Nations.

70. Another serious concern related to the judicial system, as pointed out by the United Nations Observer Mission in El Salvador (ONUSAL) in its latest report and the independent Expert in his report to the General Assembly. The

adoption of the new law on the National Council of the Judiciary was a first step but it was not sufficient to deal with the various shortcomings of justice in El Salvador, such as lack of habeas corpus, ill-treatment of detainees, unlawful preventive detention, and the lack of respect for due process of law.

71. Impunity would continue to be a serious problem as long as the report of the Commission on the Truth which stressed the need to investigate the serious cases of human rights violations over the past 12 years was not made public. Her delegation was also concerned at the fact that the majority of the recommendations of the Human Rights Division of ONUSAL had not been acted upon by the Government, the army or the judiciary.

72. To promote continual improvement before the general elections to be held in March 1994 and to complete the process of change begun in El Salvador in early 1990, it was important to maintain the item on the situation in that country in the Commission's agenda for another year.

73. The people of East Timor were compelled to live in a climate of terror. Since the Dili massacre of November 1991, violence and disregard for universally recognized human rights and fundamental freedoms had increased, demonstrating the aberrant attitude of the Indonesian authorities towards thousands of innocent persons and their deliberate plan to exterminate them. Her organization was even more concerned at the fact that it was the young who were the main victims of that genocidal strategy on the part of Indonesia. Recent data revealed that more than half of the victims were 21 years of age or younger or almost all were under the age of 30.

74. In November 1992, Commander Xanana Gusmao, leader of the East Timorese resistance, had been captured in Dili during a military operation. However, Indonesia's intention to demonstrate to the entire world, by the "Xanana Show" on television, that the East Timorese's resistance had been defeated had failed miserably.

75. In fact, every Indonesian report of surrender was false and an ignoble attempt to break the will of the East Timorese. However, the determination and great courage of the East Timorese had high costs in terms of lives and violations of their integrity as human beings. At the time of Xanana's arrest, more than 100 persons had also been detained, held incommunicado and denied their rights under both Indonesian and international law. In addition, some were alleged to have been abused. Her organization deemed it essential to draw the Commission's attention to the fact that the human rights situation in East Timor was deteriorating daily.

76. The time had come to cease believing Indonesian promises and false allegations. The Commission had a duty to impose respect for the basic human rights of the East Timorese.

77. All were aware of the serious human rights violations committed in Haiti by the two de facto Governments set up following the military coup d'état in September 1991. Her organization expressed its gratitude to the Special Rapporteur for his report (E/CN.4/1993/47) which clearly denounced the repressive measures imposed on the Haitian people.

78. Her organization feared that the authors of those gross violations of human rights would escape justice when the state of law was restored in Haiti and thus enjoy impunity that would enable them to hinder the democratic process once again.

79. Her delegation welcomed the fact that the United Nations had become involved, together with the OAS, in a procedure designed to monitor respect for human rights in Haiti and that, owing to the efficient action of its Special Envoy, it had rapidly sent civilian observers to that country. That action encouraged the Haitian people in their hopes for a just and rapid outcome of the crisis begun by the coup, by preparing for the return of President Aristide and guaranteeing the restoration of democracy which he had been the only person to respect in two centuries.

80. The de facto Government, after procrastinating, had begun to yield to international pressure. No State apart from the Holy See, had recognized it. In that regard, she expressed surprise that the Holy See had not replied to the request made by NGOs present in the Commission concerning the recall of its representative in Haiti.

81. At a time when the United Nations had decided to establish an international tribunal to try persons responsible for gross violations of international humanitarian law committed on the territory of the former Yugoslavia, similar action should perhaps be taken in respect of Haiti. A resolution adopted by the Commission for the arraignment of those responsible for the violations taking place at the present time would finally make it possible to lay a solid foundation for democracy in Haiti. By reaffirming their individual criminal responsibility, such a resolution would warn them that they would not be able to escape justice and enjoy impunity like so many of their predecessors.

82. Mr. BAJIKIJAIE (International Federation of Pedestrians) said that his organization was deeply concerned at the human rights situation throughout the world. For a long time, the cold war had been the justification for the commission of reprehensible acts at the international level. However, three years previously, the peoples of Eastern Europe had finally broken the chains which had kept them under oppression. The international community had not only encouraged that movement but had welcomed that progress towards democracy.

83. With regard to Africa, a distinction must be made between countries which had been under Soviet influence and the other countries. In the first case, the majority of those countries, such as Benin, Zambia, Madagascar and Angola, had experimented, through universal suffrage, with the principle of alternating democratic and, therefore, peaceful regimes. With regard to the other countries of Africa, traditional allies of the Western bloc, the democratic transition posed more problems than it resolved. As a result, at the present time, the majority of those countries were hotbeds of tension and violence, which threatened international peace and security and therefore affected respect for the rights and freedoms of peoples.

84. The climate of tension and violence in those countries was due primarily to the impossibility of a modus vivendi between the former dictatorial regimes

and the people's demand for democracy. In that respect, the role of the Western Powers was decisive. In that regard, he wished to refer to the situation in Zaire which was rather revealing.

85. After launching the process of democratization in April 1990, the Head of State of Zaire had done everything possible to thwart the legitimate desire of the people for democracy. First, in order to neutralize the democratic movement, President Mobutu and his followers had financed, with public funds, hundreds of parties, trade unions and associations. Then he had made arrangements to suspend the work on the Sovereign National Conference. Lastly, since 1 December 1992, his praetorian guard, composed mainly of members of his ethnic group, had closed all the ministries and the Central Bank.

86. The current regime imposed a virtual civil war situation on the country. In practice, the situation took the form of instructions given to the political police to legitimize the dictatorship by all possible means.

87. Politicians, trade unionists, journalists and responsible officials who had supported the process of change were aware that they could be executed at any time by men in uniform. The worst was that those persons acted with impunity with the blessing of the supreme authority. On 16 February 1992, a peaceful demonstration by Christians who had called for the continuation of work on the Sovereign National Conference had turned into a massacre. No inquiry had been conducted with a view to punishing those guilty of violating the rights of the human person. In Kinshasa, the looting that had taken place the previous month had caused the death of more than 1,000 persons, including the French Ambassador. His organization condemned those barbaric acts.

88. From the economic standpoint, Zaire, a country with enormous possibilities, was classified as one of the poorest countries in the world. Hyper-inflation fuelled by a policy of printing increasingly high denomination banknotes had led the country to bankruptcy. President Mobutu, in power for more than 27 years, governed the country as his own property.

89. The State had ceased to exist. Zaire no longer had an infrastructure: roads, hospitals, schools, telecommunications, public transport and public administration had virtually disappeared. Yet the President was clinging to power and seeking a new term of office from the people. It could be asked what was the kind of social project that he wished to present to the people.

90. Moreover, President Mobutu provided unconditional support to African dictators in difficulty in their countries or in exile. That was the case of the former President of Chad in exile in Senegal and the UNITA leader in Angola.

91. The responsibility of the Western Powers for the developments in Zaire was clear. The double standard policy gave comfort to the dictator.

92. His delegation was also concerned at the situation in Togo where thousands of persons were fleeing the capital in order to escape the punitive forces sent by General Eyadema. That enforced exile was a violation of human rights.

93. In Rwanda, the current regime was carrying out ethnic massacres. However, the problem was really an institutional one. Therefore, the intervention of the French army, even if it sought to facilitate the evacuation of foreign nationals, constituted an act that ran counter to the desire of the Rwandan people to put an end to the dictatorship.

94. In Senegal, the independence seekers from the region of Casamance had carried out acts of sabotage during the recent presidential elections. His organization hoped that the leaders of that country would find appropriate means to contain the indiscriminate violence of those people.

95. In conclusion, he expressed the hope that the Commission would bring pressure to bear on the authorities of those countries so that they would respect their commitments under the various relevant international instruments. With particular regard to Zaire, he called upon the Commission to appoint a Special Rapporteur.

96. Mr. BAKALE OBIANG (African Association of Education for Development) thanked the international community for the support given to the victims of human rights violations in Equatorial Guinea.

97. Despite the fact that Equatorial Guinea had signed all the relevant human rights instruments, the dictatorial regime continued to violate human rights and fundamental freedoms systematically and thereby created an atmosphere of hatred and distrust among its citizens.

98. Since 1991, the Government of Equatorial Guinea had promulgated laws and decrees designed to violate the rights and freedoms of its citizens and to consolidate the dictatorship. The members of the Government, the presidential security agents and the police were above the law in that country. The apparent negotiations being conducted by the regime with the opposition were intended to strengthen the dictatorial regime's position in the Commission on Human Rights. That situation would enable General Obiang Nguema to weaken the opposition and achieve international credibility and legitimize his hold on power.

99. He referred to senior members of the Government who had been involved in the detention, torture, and imprisonment of more than 100 opponents to the regime. The political police took care not to cause the immediate death of their victims but to inflict as much physical damage as possible.

100. The Government had set up in 1991 a human rights commission whose members were appointed by General Obiang Nguema. The fundamental role of that commission was to conceal the daily violations of human rights and fundamental freedoms.

101. Members of the Chamber of Representatives were nominated by General Obiang Nguema without reference to any criteria other than that of his own desire.

102. The existence of a judiciary and the so-called legalization of 11 opposition parties were merely a cosmetic operation sponsored by the General in an attempt to deceive international public opinion.

103. In Equatorial Guinea, the press, radio and television were used as a means to disseminate the regime's totalitarian ideology. They were totally controlled by the governmental party, the President and his family.

104. Therefore, in June 1991, a group of professionals had founded the first non-governmental newspaper called La Verdad which was widely read by the public since it not only denounced the indignities suffered by the citizens but also sought to encourage them to recover their dignity and rights. As a result of the many denunciations made by the newspaper and reports in the foreign press concerning the situation, General Obiang had issued a decree prohibiting the sale of foreign journals, suspending publication of the newspaper La Verdad and barring journalists from entering the country.

105. As a result of many years of dictatorship, the national economy had suffered greatly and the social repercussions had been catastrophic. At the present time, there was a massive emigration towards other countries such as Gabon and Cameroon but also towards Spain and France in an effort to escape the dictatorship and seek more humane living conditions. Because of its size, the emigration caused strong social tensions in the host countries and was resulting in manifestations of racism and xenophobia.

106. His organization therefore called on the Commission to bring pressure to bear on the dictatorial Government of General Obiang to introduce a human rights culture in Equatorial Guinea.

107. Mr. GEBHARDT (World Conference on Religion and Peace) endorsed the conclusions and recommendations of the Special Rapporteur on the human rights situation in Myanmar, and notably the remarks in his report on the reservation on torture made by the Government to the Convention on the Rights of the Child, on the overt racism built into the Citizenship Law, and on the practice of forced portering.

108. Stressing that the ending of the civil war in Burma and the restoration of democracy were not separate issues, and refuting the alarmist claims by the State Law and Order Council (SLORC) concerning the danger of national disintegration, he submitted that the army's intransigence was the main obstacle to a political settlement - a blueprint for which had already been agreed by the elected and the ethnic opposition - involving the creation of a federal State that guaranteed the rights of all indigenous nationalities.

109. The World Conference on Religion and Peace would invite the Commission to adopt a resolution declaring the so-called National Convention to be a constitutional subterfuge; calling for the unconditional release of all political prisoners; pressing for negotiations on a credible timetable for the transfer of power to the representatives elected in 1990 and on a political solution to the civil war; urging an end to martial law; renewing, strengthening and expanding the mandate of its Special Rapporteur, with, inter alia, the establishment of an international human rights monitoring team; stating that economic sanctions and an arms embargo on Myanmar might encourage an accelerated political solution to the civil war and a speedy transition of power; and asking the Secretary-General to transmit the resolution to the Security Council.

110. Mrs. ALEMAN (Latin American Federation of Associations of Relatives of Disappeared Detainees), referring to the report of Mr. Nikken on El Salvador (E/CN.4/1993/11) said that her delegation found the recommendations contained in section VI very much to the point. The Expert had noted (para. 280) that although there had been progress, it was still too early to say that a new, stable and irreversible situation had been achieved, representing a substantial and lasting improvement in the status of human rights. Violations continued and the situation of El Salvador should continue to be included under item 12 since, as the Expert said, it did not appear advisable "to weaken the support and vigilance which the international community is extending to the transition process".

111. The situation of human rights in Guatemala had not improved and there was a great deal of evidence to prove it. Enforced disappearances continued as well as intimidations; the office of the Mutual Support Group (GAM), for example, had been attacked with explosives.

112. In Haiti, peasants had been threatened, arrested and tortured; their organizations were suppressed, their premises closed down and their activity paralysed. Community projects to improve the living conditions of slum dwellers were sabotaged.

113. Information received indicated that in 1992 the Government of Turkey had maintained its repressive policy against the Kurds in the form of 20,000 detentions, 385 assassinations, 300 villages destroyed and 9 bombed, of which 5 had been partially destroyed. Recently, a number of Kurdish parliamentarians and citizens had undertaken a hunger strike in an attempt to break through the silence of international opinion vis-à-vis the inhuman acts perpetrated by the Turkish Government.

114. In Ecuador, 185 cases of human rights violations and 43 conflicts over land had been registered in 1992. There had been 35 murders, 83 cases of torture, 95 arbitrary detentions and 7 cases of missing persons.

115. Peru continued to be one of the countries with the highest number of missing persons, more than 70 per cent of whom were young people between 18 and 30 years of age. President Fujimori had allegedly said that the International Committee of the Red Cross had free access to detention centres in Peru. It was to be hoped that that was the case since detainees, according to well-documented reports, were severely maltreated in that country.

116. In Colombia, human rights bodies had in 1992 recorded more than 2,374 murders, 94 massacres in which 477 people died and approximately 250 politically-motivated enforced disappearances. Those figures showed a large increase in human rights violations, particularly in disappearances which had risen by 40 per cent compared with 1991. Her delegation considered that the situation of human rights in Peru and Colombia called for particular attention from the Commission on Human Rights.

117. With regard to the situation in Cuba, her organization had requested an interview with Mr. Groth to express its concern at the economic and political blockade to which Cuba had been subjected for more than 30 years.

118. Mr. ALBAN (Andean Commission of Jurists) said that the breakdown of the constitutional regime in Peru and the attempts to destabilize the regime in Venezuela in 1992 were a severe set-back to the process of consolidating constitutional regimes in the Andean region; and that in both countries fundamental rights had been adversely affected. In Colombia, despite the existence of a constitutional regime, political violence and summary executions had led to the death or disappearance of more than 4,000 persons in 1992. More than 380 persons had been abducted for political reasons, thus complicating still further the picture of violence in that country. The number of perpetrators of such acts did not absolve the Colombian State of responsibility in them. According to the 1991 report of the Office of the Attorney-General of the Nation, Government agents daily violated the right to life or the physical integrity of 10 Colombians. The statistics showed that nearly half of the deaths were caused by State agents and the rest could largely be attributed to paramilitary groups and to the guerrilla movement.

119. Impunity in Colombia continued to generate more violence. Only 20 per cent of the crimes committed came before the legal authorities and only a tiny percentage of reports of disappearances and torture were the subject of a final decision. His organization deplored the indefinite suspension of negotiations between the Government and the Simón Bolívar National Guerrilla Coordinator which delayed still further the possibility of a peaceful solution to the internal armed conflict in Colombia.

120. In Venezuela, human rights bodies had recorded a considerable increase in violations of the right to life by State agents; 35 persons had died between October 1991 and September 1992 and many more in the repression of student or popular demonstrations. In November 1992, several persons had been executed in the context of the latest attempted military coup and dozens of prisoners had been killed following a prison mutiny and attempted break-out.

121. In Peru, the situation continued to be serious. Following the breakdown of the constitutional regime in April 1992 an increasing range of civil, political and economic and social rights was being restricted, reinforcing the basis of political violence in the country. Since 1980, the violence unleashed by subversive groups, particularly Shining Path, and the State response to that violence, had caused more than 28,000 deaths. In 1992, 3,101 persons died, 1,677 of them killed by Shining Path - a considerable increase on past periods. The fact that more than 45 per cent of the victims were civilians showed a failure to comply with the basic standards of international humanitarian law. Although Shining Path was largely responsible for those deaths, that in itself could not justify a State response which violated the most elementary human rights. In 1992, 114 summary or arbitrary executions had taken place and 53 persons had been assassinated by paramilitary groups. The mutiny of prisoners accused of belonging to Shining Path had been put down with at least 50 deaths in May 1992. A further reason for concern was the disappearance of large numbers of university students in 1992, the bodies of some of whom had been found later.

122. In Peru, impunity loomed large in the increase in levels of violence. In a country with one of the largest number of enforced disappearances in the world, not a single member of the security forces had been sentenced for that crime. It was urgent that the Special Rapporteur on extrajudicial, summary or

arbitrary executions should visit Peru and observe the serious violations of human rights committed in that country. The Peruvian Government must also be urged to cooperate fully with the International Committee of the Red Cross to enable it to carry out its work without the restrictions placed on it.

123. The Andean Commission of Jurists had regularly reported to the Commission on human rights violations in Peru as well as the cruel and bloodthirsty acts carried out by the subversive groups, particularly Shining Path. When the Government of Peru adopted a new constitutional regime in 1990 which undertook to respect human rights without any restrictions, his organization had hoped that it would take up the challenge of pacifying the country within the framework of the Constitution and laws. Three years later, that had not happened. Indeed, with the breakdown of constitutional order, there was no machinery to curb abuses of power and ensure the balance of power on which any State subject to the rule of law was based. The Court of Constitutional Guarantees had been closed down, laws had been promulgated which violated the most elementary human rights and there were numerous cases of political persecution which had driven the individuals concerned to seek political asylum.

124. The Andean Commission of Jurists considers it essential that the Commission should appoint an independent expert for Peru to report to the Commission on the situation of human rights in that country, with special emphasis on the right to life, freedom and personal integrity, a fair trial and guarantees of the administration of justice; the effects of subversive violence on the enjoyment of the fundamental rights of the population; and recommendations to the Commission on measures that should be adopted to improve the human rights situation in Peru.

125. Ms. MARCOULLI (Cyprus), speaking in exercise of the right of reply, said that the contents of her delegation's statement had been well documented by the reports of an impartial judicial body, the European Commission of Human Rights and its Rapporteur, Mr. Cucó. The position of the international community had been embodied in a whole series of United Nations resolutions.

126. Turkey was isolated in its expansionist policies in violation of international law. It claimed to be the bridge between the Islamic east and the Christian west. With its dismal human rights records, such claims were devoid of content; Turkey was not qualified for such a role.

127. The observations by the observer for Turkey were as old as Turkish crimes in Cyprus. Her delegation would not enter into a polemic since it had already answered those comments on other occasions. She added that Turkey could have had its complaints scrutinized using the machinery of the Council of Europe, but had not done so for obvious reasons.

128. Mr. YOUSIF (Observer for Iraq) said that the delegations of Switzerland, Hungary and Sweden had based their statements on the report of the Special Rapporteur, Mr. van der Stoel (E/CN.4/1993/45), which lacked objectivity, impartiality and integrity. His delegation had given its reply on 2 March at the afternoon meeting and refuted the proposals in the report; the sending of human rights monitors was contrary to international law and to the Charter of the United Nations and there was no precedent for it in United Nations history.

129. In conclusion, he drew attention to the selective nature of the report which had been prepared for the purpose of infringing the territorial integrity of Iraq.

130. Mr. ALFONSO MARTINEZ (Cuba) referred to a statement made by the delegation of Hungary and noted that 64 per cent of Hungarians felt frustrated at their exclusion from the democratic changes in that country. He suggested that it was in very bad taste to refer to credibility in respect of Cuba's refusal to cooperate with the Special Rapporteur, Mr. Groth, since Hungary had not been re-elected to the Commission following an unfortunate incident in 1992. It was noteworthy that the delegation of Hungary had not referred to human rights violations in countries other than Cuba.

131. The delegation of Sweden had endorsed the Special Rapporteur's recommendations and that again cast doubts on its credibility, since it accused Cuba of failing to cooperate with a special rapporteur who had nothing to say when other countries failed to answer appeals made by special rapporteurs.

132. With regard to the statement by the delegation of Switzerland, the political content of human rights was universal but how it was exercised was a matter for each country's legislation and not for international jurisdiction. Such arguments contributed nothing to human rights in Cuba, and the sanctions furthermore prevented Cuba from exercising its right to development.

133. Mr. QUIROS (Peru) said that he wished to clarify certain assertions which were not true and which could give rise to disinformation. While mention had been made of the dissolution of the Peruvian Parliament on 5 April 1992, no reference had been made to the two elections in November 1992 and January 1993 to elect the constituent congress and the municipal authorities throughout the national territory. One delegation had nevertheless commented that his country had been impressed by the seriousness and determination of the Peruvian people during those elections.

134. It had also been said that existing legislation in Peru was contrary to the International Covenants in that it had increased penalties for terrorism and included life imprisonment, permitted criminal proceedings to be brought against young persons under 15 years of age, and made loss of Peruvian nationality a possible sanction. Life imprisonment was used to sanction extremely severe crimes such as assassination or the placing of large bombs in commercial centres at peak periods; it was not in contradiction with international law and was a lesser sanction than was legally applied in other countries. Decree-Law No. 25564 did not permit criminal proceedings against young persons under 15 years of age who were confined to State juvenile re-education institutes. The law made no provision for the loss of nationality.

135. It had also been stated that no members of the forces of law and order had been punished for human rights violations; it was, however, public knowledge that a number of army officers had indeed recently received heavy prison sentences.

136. Another statement had referred to the life sentences imposed on 104 civilians. It was obvious that they were not innocent individuals but the perpetrators of acts in the context of the war on democracy declared by the groups to which they belonged; they included a large percentage of leaders of Peru's two main terrorist groups.

137. It was in addition untrue that Peru was proposing to denounce the Inter-American Convention on Human Rights so as to evade the jurisdiction of the Inter-American Court of Human Rights.

138. It was neither fair nor objective to put Peru, which defended its people's right to democracy with the means provided by the law, on the same footing as the groups which endeavoured to destroy the country and demanded a further million deaths - something which had barely been mentioned in any statement.

The meeting rose at 10.10 p.m.